

RESPONSE TO RESTRICTION REQUIREMENT

Summary of the Restriction

In the Office Action, the Examiner alleges that the application contains claims to the following two patentably distinct species, namely:

A. Figs 1-3 (Network control system); and

B. Figs 4-6 (Locomotive control system)

The Applicant respectfully disagrees with the Examiner that Figures 1-3 and Figures 4-6 are related to two distinct species. As indicated in the “Brief Description of the Drawings” section of the present application, Figures 1-2 relate respectively to a remote control system for locomotives and to the remote control unit/locomotive entity pair suitable for use with the remote control system for locomotives of Figure 1. In addition, Figures 3 and 4 relate to a remote control system comprising different components that are capable of assigning time intervals. Figures 5a and 5b simply show a division of time intervals within a TDMA frame. Finally, Figure 6 shows a computing unit for assigning time intervals to communication entities in a communication system. In light of the above, the Applicant is confused as to how the Examiner arrived at Figures 1-3 being related to a Network control system and Figures 4-6 being related to a Locomotive control system.

Furthermore, the Applicant respectfully disagrees that Figures 1-3 are related to a network control system, as alleged by the Examiner.

However, in order to be responsive to the Examiner's Restriction Requirement, and in the interest of moving the present case forward, the Applicant elects to prosecute claims 1-14, 22, 23 and 25, with traverse.

Summary of the Amendments

Claims 15-21 and 24 have been withdrawn from the present application without prejudice.

The Applicant reserves the right to pursue protection for claims 15-21 and 24 in a divisional application.

Detailed Response

As mentioned above, the Applicant elects to prosecute claims 1-14, 22, 23 and 25, with traverse. The Examiner's attention is respectfully directed towards §806.05 of the MPEP, which reads as follows:

“Where two or more related inventions are being claimed, the principal question to be determined in connection with a requirement to restrict or a rejection on the ground of double patenting is whether or not the inventions as claimed are distinct. If they are distinct, restriction may be proper. If they are not distinct, restriction is never proper.” [emphasis added]

For the reasons presented below, the Applicant respectfully submits that claims 15-21 and 24 are not distinct over claims 1-14, 22, 23 and 25 and that as such restriction is not proper. The Applicant respectfully submits that all of claims 1-25 should be included in the examination of the present application.

In the Restriction Requirement, the Examiner alleges that the present application contains claims towards a "Network control system". However, the Examiner has failed to identify which claims relate to such a network control system.

The Applicant respectfully submits that the claims of the present application are not divided into claims towards a locomotive remote control system and claims towards a network control system. Instead, independent claims 1, 22 and 25 are directed to a locomotive remote control system, independent claims 9 and 23 are directed to a remote control unit suitable for use in a locomotive remote control system,

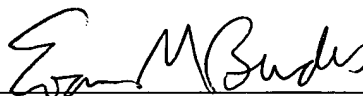
CONCLUSION

It is respectfully submitted that claims 1-25 are in condition for allowance. Allowance of claims 1-25 at an early date is solicited.

If the claims of the application are not considered to be in full condition for allowance, for any reason, the Applicant respectfully requests the constructive assistance and suggestions of the Examiner in drafting one or more acceptable claims or in making constructive suggestions so that the application can be placed in allowable condition as soon as possible and without the need for further proceedings.

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Respectfully submitted,

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